

HOUSE JOINT RESOLUTION NO. 39

INTRODUCED BY D. GALLIK

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT AN APPROPRIATE INTERIM COMMITTEE OR STAFF BE ASSIGNED TO IDENTIFY AND EXAMINE ALTERNATIVES TO MONTANA'S SYSTEM FOR FINANCING ELECTION CAMPAIGNS, INCLUDING LAWS AND PRACTICES, WITH THE STUDY TO FOCUS ON ALTERNATIVES THAT ALLOW QUALIFIED CANDIDATES TO MOUNT COMPETITIVE CAMPAIGNS FOR PUBLIC OFFICE WITHOUT RESORTING TO THE KIND OF PRIVATE FUNDRAISING THAT CAN CONSUME ENORMOUS AMOUNTS OF TIME, COMPROMISE ELECTED OFFICIALS' INDEPENDENCE, AND UNDERMINE THE PUBLIC'S CONFIDENCE IN ITS ELECTED OFFICIALS.

WHEREAS, growing numbers of Americans and Montanans are becoming aware that the existing system of financing election campaigns is broken beyond repair and needs to be replaced by an entirely new system; and

WHEREAS, Montanans understand that real democracy is impossible as long as the people we want to be our elected representatives in government--our public servants--are required to raise or possess large sums of private money; and

WHEREAS, common sense tells citizens that genuine political equality and public accountability--essential hallmarks of democracy--cannot exist within a system in which money counts more than votes; and

WHEREAS, numerous surveys show that a majority of the public wants campaigns to be financed in a way that:

(1) eliminates the perceived and real conflicts of interest caused by the private financing of public officials' campaigns;

(2) allows qualified individuals to mount competitive campaigns regardless of the individual's access to large contributors or the individual's personal economic status;

(3) limits the ever-increasing costs of running for public office;

(4) frees candidates and elected officials from the burden of continuous fundraising; and

(5) shortens the length of campaigns.

1 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
2 THE STATE OF MONTANA:

3 That the Legislative Council be requested to designate an appropriate interim committee, pursuant to
4 section 5-5-217, MCA, or direct sufficient staff resources to identify and examine election campaign finance
5 alternatives that allow qualified candidates to mount competitive campaigns for public office without resorting
6 to the kind of private fundraising that can consume enormous amounts of time, compromise elected officials'
7 independence, and undermine the public's confidence in its elected officials.

8 BE IT FURTHER RESOLVED, that the study include elements that examine, in the context of election
9 campaigns, the challenges posed by citizens' rights to freedom of speech and to equal protection of the law as
10 those rights have been addressed in relevant state and federal court decisions.

11 BE IT FURTHER RESOLVED, that the study seek to identify alternatives to the existing system of
12 election campaign financing in Montana by exploring options to improve campaigns, campaign finance,
13 elections, and public service in the following principal ways:

14 (1) promote the democratic principle of "one person, one vote" and enhance the meaning of the right
15 to vote by mitigating the influential, deleterious effect that large contributions have on the political process;

16 (2) promote the rights of all citizens to participate equally and meaningfully in the democratic process;

17 (3) ensure the free-speech rights of voters and candidates of moderate means whose voices are
18 sometimes drowned out by voters and candidates who can afford to monopolize the arena of paid political
19 communications;

20 (4) ensure the right of voters and candidates to be heard in the political process and to hear all
21 candidates' speech and ideas by fostering the core First Amendment value of open and robust debate in the
22 political process;

23 (5) significantly mitigate the public perception of corruption that undermines public confidence in the
24 democratic process and in democratic institutions;

25 (6) emphasize elected officials' accountability to their constituents rather than to the major contributors
26 who currently finance officials' and candidates' election campaigns;

27 (7) substantially reduce the danger of actual or perceived corruption when elected officials or candidates
28 take campaign money from private interests who are directly affected by governmental actions;

29 (8) reduce the likelihood that millions of dollars may be the visible or invisible price paid by taxpayers
30 for the legislative and regulatory decisions made by elected officials on behalf of major campaign contributors;

1 (9) reduce the cost of election campaigns, making it possible for qualified candidates without access
2 to large contributors or personal fortunes to mount competitive campaigns;

3 (10) increase the ability of challengers to effectively compete with incumbents by decreasing the
4 incentive for and the tendency of large campaign contributors to give money to incumbents, which contributions
5 can cause elections to be less competitive;

6 (11) encourage and expand communication between the electorate and all candidates, including
7 candidates who do not have personal fortunes and are unlikely to have access to large sums of campaign
8 money; and

9 (12) mitigate or eliminate the burden that candidates, particularly incumbents, confront with the
10 incessant rigors of fundraising, which limits the time available to address the public duties and responsibilities
11 of public office.

12 BE IT FURTHER RESOLVED, that the study examine the successful public campaign financing systems
13 in Maine and Arizona, including each state's creation of a public campaign fund, the respective state's funding
14 mechanisms for the fund, and each state's public education efforts.

15 BE IT FURTHER RESOLVED, that if the study is assigned to an interim committee, that the committee
16 receive appropriate staff support to perform this study.

17 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be
18 presented to and reviewed by an appropriate interim committee designated by the Legislative Council and that
19 all aspects of the study, including presentation and review requirements, be concluded prior to September 15,
20 2006.

21 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
22 comments, recommendations, or proposed legislation of the appropriate committee, be reported to the 60th
23 Legislature.

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